''(2) AUTHORITY.—

''(A) OTHER FINANCIAL ASSISTANCE.—The Administrator shall provide a voucher, grant, or premium credit to an eligible household for a year in an amount that, subject to subparagraph (B), is equal to the lesser of—

''(i) the difference between—

''(I) the housing expenses of the household for the year; and

''(II) 30 percent of the adjusted gross income of the household for the year; and

''(ii) the cost of premiums for the household for flood insurance under the national flood insurance program for the year.

''(B) REDUCTION.—The amount of the assistance provided under subparagraph (A) to an eligible household shall be reduced by 1 percent for each percent that the income of the eligible household exceeds 120 percent of the median household income for the State in which the property that is the subject of the assistance is located.

''(3) RELATIONSHIPS WITH OTHER AGENCIES.—The Administrator may enter into a memorandum of understanding with the head of any other Federal agency to administer paragraph (2)(A).''.

(b) DIRECT APPROPRIATION.—Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Affordability Assistance Fund established under section 1326 of the National Flood Insurance Act of 1968, as added by subsection (a) of this section, $1,000,000,000 for each of fiscal years 2022 through 2026 to provide financial assistance under subsection (b) of such section 1326.

SEC. ____. COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY PROGRAM.

(a) DIRECT APPROPRIATIONS.—Out of amounts in the Treasury not otherwise appropriated, there is appropriated to the ''Community Development Fund'', for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas in States for which the President declared a major disaster under title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1974 (42 U.S.C. 5170 et seq.), $25,000,000,000 for fiscal year 2021, to remain available until expended, for activities authorized under title I of the Housing and Community Development Act of 1974 (42 U.S.C. 5301 et seq.).

(b) FORMULA.—Notwithstanding section 106 of the Housing and Community Development Act of 1974 (42 U.S.C. 5306), amounts appropriated under subsection (a) shall be allocated to States as follows:

(1) One-third shall be allocated to States based on the dollar amount of claims in the State under the National Flood Insurance Program established under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq.) during the 10-year period preceding the date of enactment of this Act.

(2) One-third shall be allocated to States based on the number of severe repetitive loss properties, as defined in section 1307(h) of the National Flood Insurance Act of 1968 (42 U.S.C. 4014(h)), located in the State.

(3) One-third shall be allocated to States based on the amount of premium rate increases for properties located in the State under the Risk Rating 2.0 methodology (or any substantially similar methodology).

SEC. _____. FORBEARANCE ON NFIP INTEREST PAYMENTS.

(a) IN GENERAL.—During the 5-year period beginning on the date of enactment of this Act, the Secretary of the Treasury may not charge the Administrator of the Federal Emergency Management Agency (referred to in this section as the ''Administrator'') interest on amounts borrowed by the Administrator under section 1309(a) of the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a)) that were outstanding as of the date of enactment of this Act, including amounts borrowed after the date of enactment of this Act that refinance debts that existed before the date of enactment of this Act.

(b) USE OF SAVED AMOUNTS.—There shall be deposited into the National Flood Mitigation Fund an amount equal to the interest that would have accrued on the borrowed amounts during the 5-year period described in subsection (a) at the time at which those interest payments would have otherwise been paid, which, notwithstanding any provision of section 1367 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104d), the Administrator shall use to carry out the program established under section 1366 of the National Flood Insurance Act of 1968 (42 U.S.C. 4104c).

(c) NO RETROACTIVE ACCRUAL.—After the 5-year period described in subsection (a), the Secretary of the Treasury shall not require the Administrator to repay any interest that, but for that subsection, would have accrued on the borrowed amounts described in that subsection during that 5-year period.

SA 2220. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. STATE SMALL BUSINESS CREDIT INITIATIVE.

The State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5701 et seq.) is amended—

(1) in section 3007(d) (12 U.S.C. 5706(d)), by striking ''the first March 31 to occur after 5 complete 12-month periods after the State is approved by the Secretary to be a participating State'' and inserting ''March 31, 2032, except that the Secretary may require the participating State to continue to submit those reports in such form as the Secretary, in the sole discretion of the Secretary, may require, on a quarterly or annual basis, until the date that is 10 years after the date on which the State fully expends the Federal funding allocated to the participating State under the Program''; and

(2) in section 3009(c) (12 U.S.C. 5708(c)), by striking ''at the end of the 7-year period beginning on the date of the enactment of section 3003(d)'' and inserting ''on March 31, 2032, except that the Secretary may continue to require and collect reports, as described in section 3007(d), and to publish the results of those reports, until the date that is 90 days after the date on which the obligation of the last participating State to submit those reports terminates''.

SA 2221. Mr. VAN HOLLEN (for himself, Mr. ROUNDS, and Ms. ERNST) submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. FEDERAL REQUIREMENTS FOR TIFIA ELIGIBILITY AND PROJECT SELECTION.

(a) IN GENERAL.—Section 602(c) of title 23, United States Code, is amended by adding at the end the following:

''(3) PAYMENT AND PERFORMANCE SECURITY.—

''(A) IN GENERAL.—The Secretary shall ensure that the design and construction of a project carried out with assistance under the TIFIA program shall have appropriate payment and performance security, regardless of whether the obligor is a State, local government, agency or instrumentality of a State or local government, public authority, or private party.

''(B) WRITTEN DETERMINATION.—If payment and performance security is required to be furnished by applicable statute or regulation, the Secretary may accept such payment and performance security requirements applicable to the obligor if the Secretary has made a written determination that the Federal interest with respect to Federal funds and other project risk related to design and construction is adequately protected.

''(C) NO DETERMINATION OR APPLICABLE REQUIREMENTS.—If a determination under this paragraph has not been made or there are no payment and performance security requirements applicable to the obligor, the security under section 3131(b) of title 40 shall be required.''.

(b) APPLICABILITY.—The amendments made by this Act shall apply with respect to any contract entered into on or after the date of enactment of this Act.

SA 2222. Mr. VAN HOLLEN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in division G, insert the following:

SEC. _____. FEDERAL CAPITAL REVOLVING FUND.

(a) FINDINGS; PURPOSE.—

(1) FINDINGS.—Congress finds that—

(A) sudden increases in funding for purchases of federally owned capital assets are difficult to fit within funding available under discretionary spending limits;

(B) failure to recapitalize or replace Federal capital assets on a regular schedule ultimately increases the cost to taxpayers of delivering services;

(C) in appendix J, entitled ''Principles of Budgeting for Capital Asset Acquisitions'', of Circular A–11, the Office of Management and Budget recommended combining assets in capital acquisition accounts to accommodate spikes in funding capital acquisitions;

(D) in the document entitled ''Budgeting for Federal Investment'' and dated April 15, 2021, the Congressional Budget Office states that there is, ''a budgetary incentive to opt for short-term leases even if they are more expensive than long-term leases or purchases,'' and identifies a Federal Capital Revolving Fund as a potential solution; and

(E) the document of the Government Accountability Office numbered GAO–14–239 found that budgeting for federally owned capital assets could be improved by creating a Government-wide capital acquisition fund with upfront mandatory funding—

(i) to pay for projects estimated to exceed a certain total-cost threshold; and

(ii) to be repaid by annual discretionary funding provided by agency subcommittee appropriators.

(2) PURPOSE.—The purpose of this section is to improve the means by which the Federal Government budgets for expensive, federally owned, civilian facilities by—

(A) establishing a mandatory revolving fund to pay the upfront costs of acquiring those facilities in a manner that ensures that the acquisition costs do not compete with smaller purchases and operating expenses for funding under applicable discretionary spending limits; and

(B) requiring agencies to use discretionary appropriations to replenish the revolving fund referred to in subparagraph (A) over a several-year period as the agencies use the facilities described in that subparagraph to meet Federal mission needs.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(2) AGENCY.—

(A) IN GENERAL.—The term ''agency'' means any agency included in a list under paragraph (1) or (2) of section 901(b) of title 31, United States Code.

(B) EXCLUSION.—The term ''agency'' does not include the Department of Defense.

(3) DISCRETIONARY APPROPRIATIONS.—The term ''discretionary appropriations'' has the meaning given that term in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)).

(4) ELIGIBLE AGENCY PROJECT.—

(A) IN GENERAL.—The term ''eligible agency project'' means an action by an agency—

(i) to acquire (including any related activity relating to siting, design, management and inspection, construction, or commissioning, and including all costs associated with temporary space and the acquisition of associated furniture, fixtures, and equipment necessary to furnish the Federal facility for initial occupancy) a facility for use by the agency as a Federal facility, through—

(I) purchase;

(II) construction;

(III) manufacture;

(IV) lease-purchase;

(V) installment purchase;

(VI) outlease-leaseback;

(VII) exchange; or

(VIII) modernization by renovation;

(ii) to pay to the Administrator an administrative fee for each acquisition described in clause (i), in accordance with subsection (d)(8); and

(iii) the total cost of which is not less than $250,000,000.

(B) EXCLUSIONS.—The term ''eligible agency project'' does not include—

(i) an acquisition for resale in the ordinary course of agency operations;

(ii) the acquisition of any consumable good, such as operating materials or supplies;

(iii) an activity for normal maintenance or repair of real property;

(iv) the payment of any salary or other operating expense of an agency;

(v) the provision by an agency to any non-Federal individual or entity of—

(I) a grant;

(II) a tax incentive; or

(III) a Federal credit assistance instrument; or

(vi) the execution of any capital lease pursuant to which title does not automatically pass to the Federal Government.

(5) FEDERAL FACILITY.—The term ''Federal facility'' means a structure on real property—

(A) that has a useful life of not less than 25 years, as determined by the Administrator; and

(B) within which 1 or more Federal employees or personnel carry out, or are proposed to carry out, an agency mission.

(6) FUND.—The term ''Fund'' means the Federal Capital Revolving Fund established by subsection (c)(1).

(7) GSA-AFFECTED AGENCY.—The term ''GSA-affected agency'' means an agency that acquires real property through the General Services Administration pursuant to section 3307 of title 40, United States Code.

(8) PURCHASE TRANSFER.—The term ''purchase transfer'' means an amount that is—

(A) approved by an appropriations Act to be transferred from the Fund to a purchasing agency under subsection (d); and

(B) not less than the amount required under subsection (d)(4).

(9) PURCHASING AGENCY.—The term ''purchasing agency'' means an agency that receives from the Fund a purchase transfer to pay the cost of an eligible agency project.

(c) FEDERAL CAPITAL REVOLVING FUND.—

(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund, to be known as the ''Federal Capital Revolving Fund'', consisting of the amounts deposited under paragraph (2), to be administered by the Administrator.

(2) DEPOSITS.—The Secretary of the Treasury shall deposit in the Fund—

(A) as soon as practicable after the date of enactment of this Act, out of any funds in the Treasury not otherwise appropriated, $10,000,000,000 to capitalize the Fund; and

(B) any amounts received from purchasing agencies through repayments under subsection (e).

(3) AVAILABILITY.—Amounts in the Fund shall—

(A) be used only for the purpose described in paragraph (4)(A); and

(B) remain available until expended.

(4) USE OF FUND.—Amounts in the Fund—

(A) shall be available only on approval of a purchase transfer to a purchasing agency to pay the costs of an eligible agency project, in accordance with this section; and

(B) may not be transferred or reprogrammed for any purpose other than the purpose specified in subparagraph (A).

(d) PURCHASE TRANSFERS.—

(1) DEFINITIONS.—In this subsection:

(A) APPLICABLE COMMITTEE OF JURISDICTION.—The term ''applicable committee of jurisdiction'', with respect to an unaffected agency, means—

(i) the Committee on Appropriations of the Senate;

(ii) the Committee on Appropriations of the House of Representatives; and

(iii) any other committee of the Senate or the House of Representatives, the approval of which is required for the unaffected agency to acquire real property.

(B) UNAFFECTED AGENCY.—The term ''unaffected agency'' means an agency that acquires real property pursuant to an authority other than the General Services Administration.

(2) REQUESTS.—

(A) GSA-AFFECTED AGENCIES.—To be eligible to receive a purchase transfer from the Fund, a GSA-affected agency shall submit to the Administrator, the Committees on Appropriations and Environment and Public Works of the Senate, and the Committees on Appropriations and Transportation and Infrastructure of the House of Representatives a request that describes—

(i) the eligible agency project proposed to be carried out by the GSA-affected agency using the purchase transfer; and

(ii) with respect to the eligible agency project described in clause (i)—

(I) each Federal facility proposed to be included;

(II) an estimated total cost; and

(III) a proposed schedule.

(B) UNAFFECTED AGENCIES.—To be eligible to receive a purchase transfer from the Fund, an unaffected agency shall submit to each applicable committee of jurisdiction a request that describes—

(i) the eligible agency project proposed to be carried out by the unaffected agency using the purchase transfer; and

(ii) with respect to the eligible agency project described in clause (i)—

(I) each Federal facility proposed to be included;

(II) an estimated total cost; and

(III) a proposed schedule.

(3) APPROVAL.—

(A) NOTICE FOR GSA-AFFECTED AGENCIES.—On approval by the Administrator of a request submitted by a GSA-affected agency under paragraph (2)(A), the Administrator shall submit to Congress a notice of the approval in accordance with subsections (b) and (h) of section 3307 of title 40, United States Code.

(B) CONGRESS.—On receipt of a request for a purchase transfer from the Fund and the notice of approval by the Administrator for GSA-affected agencies required under subparagraph (A), Congress may enact legislation—

(i) approving the applicable eligible agency project and the purchase transfer, subject to—

(I) for a request of a GSA-affected agency, subsections (c) and (d) of section 3307 of title 40, United States Code; or

(II) for a request of an unaffected agency, any applicable laws (including regulations); and

(ii) appropriating an amount equal to the first repayment amount relating to the approved eligible agency project.

(C) ADMINISTRATOR.—The Administrator may transfer amounts in the Fund to an agency only if—

(i) Congress has enacted legislation pursuant to subparagraph (B)(i) approving—

(I) the eligible agency project of the agency; and

(II) the purchase transfer; and

(ii) the agency has—

(I) received appropriations pursuant to subsection (e)(5) for the first repayment amount; and

(II) made the first repayment to the Fund in accordance with subsection (e).

(D) SECRETARY OF TREASURY.—The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the head of the applicable purchasing agency, may establish within that purchasing agency new accounts for the purpose of facilitating budgetary and financial reporting of the transactions authorized by this section.

(4) AMOUNT.—The total amount of a purchase transfer shall be not less than an amount equal to the sum of—

(A) the full cost of the relevant eligible agency project, which shall be not less than a useful segment of the applicable Federal facility; and

(B) the administrative fee required to be paid by the relevant purchasing agency under paragraph (8), as determined by the Administrator.

(5) AVAILABILITY.—

(A) IN GENERAL.—Subject to subparagraph (B), a purchase transfer to a purchasing agency—

(i) shall remain available until expended;

(ii) shall be used solely to pay the costs of an eligible agency project; and

(iii) may not be transferred or reprogrammed for any other purpose.

(B) RETURN OF UNUSED AMOUNTS.—Any portion of a purchase transfer that is not necessary to pay for the total cost of an eligible agency project shall be returned to the Fund, as follows:

(i) TIMING.—Any unobligated purchase transfer amounts shall be returned to the Fund—

(I) after the relevant eligible agency project is substantially complete, as determined by the applicable purchasing agency; and

(II) by not later than 2 years after the date on which the most recent outlay of funds from the purchase transfer by the purchasing agency occurred.

(ii) UPWARD ADJUSTMENTS.—If, after the return of unused purchase transfer amounts under clause (i), there occurs an upward adjustment to a previously incurred obligation for the eligible agency project, the Fund shall provide to the applicable purchasing agency an expenditure transfer for the upward adjustment in an amount equal to the lower of—

(I) the amount returned under clause (i); and

(II) the amount of the upward adjustment to the previously incurred obligation.

(6) LIMITATIONS.—

(A) AVAILABILITY OF AMOUNTS.—Notwithstanding any appropriations Act making amounts available for a purchase transfer under this subsection, if the amount made available to the applicable purchasing agency for the first repayment amount relating to the purchase transfer is less than the amount required by subsection (e)(2) for the fiscal year, the amount transferred from the Fund to the purchasing agency shall be equal to the product obtained by multiplying—

(i) that first repayment amount; and

(ii) the number of years in the applicable repayment period under subsection (e)(3).

(B) ANNUAL MAXIMUM.—The total amount appropriated for a fiscal year for new purchase transfers under this subsection shall be not more than an amount equal to the sum of—

(i) $2,500,000,000; and

(ii) the total amount, if any, by which the amounts appropriated for purchase transfers during any preceding fiscal years were less than the amount described in clause (i).

(C) HIGHER PROJECT COSTS.—If the amount appropriated from the Fund for a purchase transfer under this subsection is insufficient to pay the full costs of the eligible agency project that is the subject of the purchase transfer, an amount in excess of the appropriated amount may be transferred from the Fund to the applicable purchasing agency only if—

(i) the additional transfer is approved in advance by an appropriations Act; and

(ii) the purchasing agency has—

(I) received an appropriation of an additional amount for the adjustment to the repayment amount under subsection (e)(2)(B); and

(II) repaid to the Fund that additional repayment amount.

(D) EFFECT OF SUBSECTION.—Nothing in this subsection requires any unaffected agency to receive approval from the Administrator, or to achieve compliance with section 3307 of title 40, United States Code, before acquiring real property pursuant to an existing authority of the unaffected agency for purposes of this section.

(7) EXCESS PURCHASE TRANSFER AMOUNTS.—In any fiscal year during which the total amount of purchase transfers approved to be appropriated from the Fund exceeds an amount equal to the lesser of the amount available in the Fund and the annual limitation described in paragraph (6)(B) for that fiscal year—

(A) each purchase transfer approved by an appropriations Act for the fiscal year shall be reduced by a uniform percentage, to be calculated by the Administrator in a manner that ensures that the excess is eliminated; and

(B) the Administrator may not transfer from the Fund an amount equal to more than the reduced purchase transfer amount calculated under subparagraph (A).

(8) ADMINISTRATIVE FEE.—On receipt of a purchase transfer, a purchasing agency shall pay to the Administrator from the purchase transfer a 1-time administrative fee in an amount equal to not less than 0.03 percent of the total cost of the eligible agency project that is the subject of the purchase transfer.

(e) REPAYMENTS TO FUND.—

(1) AGREEMENT REQUIRED.—As a condition of receiving a purchase transfer from the Fund, a purchasing agency shall enter into a written agreement with the Administrator under which the purchasing agency shall agree to make annual repayments to the Fund in accordance with this subsection.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the amount of an annual repayment to the Fund by a purchasing agency under this subsection shall be an amount equal to the quotient obtained by dividing—

(i) the amount of the purchase transfer provided to the purchasing agency; by

(ii) the number of years in the repayment period, as determined under paragraph (3).

(B) ADJUSTMENT.—

(i) IN GENERAL.—In any case described in clause (ii), after a purchasing agency repays to the Fund the applicable repayment amount, the Administrator shall adjust the repayment amount owed by the purchasing agency for each fiscal year thereafter by such uniform amount as the Administrator determines to be necessary to ensure that the sum of all repayments (including any repayments already paid to the Fund) by the purchasing agency is equal to the actual cost of the eligible agency project of the purchasing agency.

(ii) DESCRIPTION.—A case referred to in clause (i) is any case in which—

(I) the actual cost of the eligible agency project of the purchasing agency is less than the purchase transfer to the purchasing agency;

(II)(aa) the actual cost of the eligible agency project of the purchasing agency is greater than the purchase transfer to the purchasing agency; and

(bb) an additional purchase transfer in an amount equal to the amount of the difference has been approved in advance in an appropriations Act;

(III) the total amount of repayments by the purchasing agency exceeds the annual repayment amount described in subparagraph (A); or

(IV) the amount of the purchase transfer is reduced under subsection (d)(7).

(3) REPAYMENT PERIOD.—The period over which a purchasing agency shall repay to the Fund the amount described in paragraph (2) shall be—

(A) such period as may be agreed to by the purchasing agency and the Administrator; but

(B) not longer than 15 years, beginning in the fiscal year for which the first repayment amount is appropriated to the purchasing agency pursuant to paragraph (5)(A).

(4) FREQUENCY.—Repayments shall be made under this subsection not less frequently than annually during the period described in paragraph (3).

(5) AUTHORIZATION OF APPROPRIATIONS.—

(A) IN GENERAL.—There are authorized to be appropriated to each purchasing agency such sums as are necessary for the repayments owed by the purchasing agency to the Fund under this subsection for each fiscal year during the period—

(i) beginning in the first fiscal year during which amounts are transferred from the Fund to the purchasing agency under subsection (d)(3)(C); and

(ii) ending on the last day of the repayment period determined for the purchasing agency under paragraph (3).

(B) TREATMENT.—The receipt by a purchasing agency of amounts made available pursuant to subparagraph (A) for a fiscal year shall be considered to be a legal obligation of the purchasing agency during that fiscal year to make a repayment to the Fund in accordance with this subsection.

(f) TREATMENT OF ELIGIBLE AGENCY PROJECTS AND FEDERAL FACILITIES.—

(1) DISPOSITION.—

(A) IN GENERAL.—Disposition of an eligible agency project and any Federal facility that is the subject of an eligible agency project shall be carried out in accordance with—

(i) applicable laws (including regulations); and

(ii) this paragraph.

(B) OUTSTANDING REPAYMENT OBLIGATIONS.—If the disposition of an eligible agency project or Federal facility described in subparagraph (A) occurs before the applicable purchasing agency has completed the obligation of the purchasing agency to make any repayment to the Fund under subsection (e), the purchasing agency shall continue to make the required repayments until the date on which the Fund is fully repaid, subject to the availability of appropriations.

(C) USE OF PROCEEDS.—

(i) IN GENERAL.—If the disposition of an eligible agency project or Federal facility described in subparagraph (A) results in the receipt of sale proceeds, those proceeds shall be available—

(I) initially, to the applicable purchasing agency to pay any remaining unpaid repayments owed by the purchasing agency to the Fund; and

(II) thereafter, for the purpose of supporting authorized real property activities (excluding operations and maintenance)—

(aa) to the applicable purchasing agency, in the case of a purchasing agency that is an unaffected agency (as defined in subsection (d)(1)); or

(bb) to the Administrator, in the case of an asset held in the inventory of the General Services Administration under paragraph (3).

(ii) AVAILABILITY.—Any proceeds from a sale under clause (i)—

(I) shall be available until expended, without further appropriation; and

(II) may be deposited in any account of the applicable purchasing agency or the General Services Administration, as applicable, that is available for the purposes described in subclauses (I) and (II) of clause (i).

(2) CHANGES IN NEED OR CONDITION.—A change in the mission need of a purchasing agency for an eligible agency project or Federal facility that is the subject of an eligible agency project, and any change in the condition of such an eligible agency project or Federal facility, shall not affect any applicable repayment obligation relating to the eligible agency project under subsection (e).

(3) HOLDING IN ADMINISTRATION INVENTORY.—

(A) DEFINITIONS.—In this paragraph:

(i) ADMINISTRATION.—The term ''Administration'' means the General Services Administration.

(ii) COVERED PROPERTY.—The term ''covered property'' means any asset acquired through the Administration by a purchasing agency using a purchase transfer.

(B) INCLUSION IN INVENTORY.—On acquisition by a GSA-affected agency of any covered property, the covered property shall be—

(i) placed in the inventory of the Administration; and

(ii) considered to be under the custody and control of the Administrator, subject to the requirements of this paragraph.

(C) PAYMENT TO ADMINISTRATOR.—

(i) IN GENERAL.—On receipt by a GSA-affected agency of amounts pursuant to a purchase transfer for the acquisition of any covered property, the GSA-affected agency—

(I) except as provided in subclause (II), shall transfer the purchase transfer amount to the Administrator for deposit in the Federal Buildings Fund under section 592 of title 40, United States Code; but

(II) may retain such portion of the purchase transfer amount as is necessary for acquisition by the GSA-affected agency of associated furniture, fixtures, and equipment necessary to furnish the Federal facility for initial occupancy in accordance with clause (ii).

(ii) USE.—The Administrator or a GSA-affected agency shall use the amounts transferred under clause (i)(I) or retained under clause (i)(II), respectively, only to pay the costs of the eligible agency project associated with the covered property.

(iii) PROHIBITION ON FEES.—The Administrator may not charge any fee for the execution of an eligible agency project on covered property pursuant to clause (ii), other than the 1-time administrative fee described in subsection (d)(8).

(D) OCCUPANCY AGREEMENT.—The Administrator and the head of the applicable GSA-affected agency shall enter into an occupancy agreement with respect to any covered property acquired by the GSA-affected agency that—

(i) recognizes the investment of the GSA-affected agency in the covered property and the associated eligible agency project by providing for shell rent abatement, in accordance with subparagraph (E); and

(ii) establishes that the purchasing agency shall continue to be responsible for making annual repayments to the Fund in accordance with subsection (e) with respect to the covered property.

(E) SHELL RENT ABATEMENT.—The shell rent abatement provisions under subparagraph (D)(i) relating to an occupancy agreement with respect to covered property shall include requirements that rental payments shall—

(i) be made by the GSA-affected agency to the Administration immediately on occupancy of the covered property by the GSA-affected agency;

(ii) for the 5-year period beginning on the initial date of occupancy of the covered property by the GSA-affected agency, be in an amount equal to the operating costs during the rental payment period of the GSA-affected agency relating to the covered property; and

(iii) effective during the period beginning on the date immediately after the period described in clause (ii) and ending on the date that is 25 years after the initial date of occupancy of the covered property by the GSA-affected agency, be in an amount equal to the sum of—

(I) the operating costs during the rental payment period of the GSA-affected agency relating to the covered property; and

(II) such reduced shell rental rate as the GSA-affected agency and the Administrator may negotiate, subject to the requirement that the cumulative difference between the appraised market rent rate of the covered property and the reduced shell rental rate shall be equal to not more than the amount of the applicable purchase transfer.

(g) BUDGET ENFORCEMENT.—For purposes of budget enforcement under the Congressional Budget and Impoundment Control Act of 1974 (2 U.S.C. 621 et seq.), the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.), and the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.) relating to this section, the following shall apply:

(1) DIRECT SPENDING.—Any provision in an appropriations Act approving a purchase transfer from the Fund to a purchasing agency, and collection by the Fund of repayments from the purchasing agency—

(A) shall be classified as direct spending (as defined in section 250(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c))); and

(B) shall not be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)) or considered budgetary effects for the purposes of section 3(4) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 932(4)).

(2) DISCRETIONARY APPROPRIATIONS.—A provision providing appropriations to a purchasing agency for annual repayments to the Fund shall be—

(A) classified as discretionary appropriations; and

(B) scored in the fiscal year for which such appropriations are made available by an appropriations Act.

(3) CHANGES TO FUND BALANCE.—

(A) DEFINITION.—In this paragraph, the term ''provision changing the Fund balance'' means a provision in an appropriations Act that—

(i) rescinds or precludes from obligation balances in the Fund;

(ii) rescinds or precludes from obligation balances of approved purchase transfers; or

(iii) reduces the annual limitation on total purchase transfers under subsection (d)(6)(B).

(B) EFFECTS.—A provision changing the Fund balance—

(i) shall be considered budgetary effects for purposes of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 931 et seq.), and such budgetary effects shall be placed on the scorecards maintained pursuant to section 4(d) of that Act (2 U.S.C. 933(d)) and the scorecards maintained for purposes of section 4106 of H. Con. Res. 71 (115th Congress); and

(ii) shall not be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)).

(4) FAILURE TO APPROPRIATE REPAYMENTS.—

(A) DEFINITION.—In this paragraph, the term ''failure to appropriate a repayment'' means that—

(i) an appropriations Act for a fiscal year provides a first repayment amount for an eligible agency project; and

(ii) for a subsequent fiscal year during the repayment period, such appropriations Act does not provide an appropriation for the repayment amount required for that fiscal year.

(B) EFFECTS.—If there is a failure to appropriate a repayment, an amount equal to the required repayment for the applicable fiscal year, calculated pursuant to subsection (e)(2), shall be included in the estimates under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)).

(5) TRANSFERS AND REPROGRAMMING.—

(A) DEFINITION.—In this paragraph, the term ''transfer or reprogramming provision'' means a provision in an appropriations Act that, notwithstanding clauses (ii) and (iii) of subsection (d)(5)(A), authorizes or requires—

(i) a transfer of amounts in the Fund for any purpose other than to cover the costs of eligible agency projects; or

(ii) a purchasing agency to transfer or reprogram a purchase transfer for a purpose other than paying the costs of an eligible agency project.

(B) EFFECTS.—The amount transferred or reprogrammed under a transfer or reprogramming provision shall be included in the estimates of discretionary appropriations under section 251(a)(7) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(a)(7)).

(h) SEQUESTRATION.—Section 255(g)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(g)(1)(A)) is amended by inserting after the item relating to Farm Credit System Insurance Corporation, Farm Credit Insurance Fund the following:

''Federal Capital Revolving Fund (47–4614–0–4–804).''.

(i) ADMINISTRATIVE PROVISIONS.—

(1) TREATMENT AS EXPENDITURE TRANSFERS.—The following shall be considered to be, and shall be recorded as, expenditure transfers:

(A) Each purchase transfer.

(B) Each payment of an administrative fee under subsection (d)(8).

(C) Each transfer of repayment amounts to the Fund under subsection (e).

(2) EFFECT OF SECTION.—Nothing in this section—

(A) provides any new real property landholding or land managing authority to a purchasing agency;

(B) otherwise affects any existing real property landholding or land managing authority of an agency, as in effect on the date of enactment of this Act; or

(C) permits the President, the Administrator, or the head of any other agency to transfer, reprogram, or otherwise use any amounts in the Fund absent specific language enacted by Congress authorizing such an action.

SA 2223. Mr. KING submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in subtitle E of title III of division D, insert the following:

SEC. 403___. JUDICIAL REVIEW OF LEASING ACTIONS ON THE OUTER CONTINENTAL SHELF.

Section 23(c)(2) of the Outer Continental Shelf Lands Act (43 U.S.C. 1349(c)(2)) is amended by inserting ''or any final plan issued pursuant to section 8(p)(1)(C)'' before ''shall be subject''.

SA 2224. Mr. KING submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER,

and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VIII of division D, add the following:

SEC. 408_____. FOREST INVENTORY AND ANALYSIS PROGRAM BLUE RIBBON PANEL.

Section 3 of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642) is amended by adding at the end the following:

''(f) FOREST INVENTORY AND ANALYSIS PROGRAM BLUE RIBBON PANEL.—

''(1) IN GENERAL.—Not later than 90 days after the date of enactment of this subsection, the Secretary, in consultation with the National Association of State Foresters, shall convene a blue ribbon panel (referred to in this subsection as the 'Panel') to review the forest inventory and analysis program established under this section.

''(2) COMPOSITION.—The Panel shall be composed of not fewer than 20, and not more than 30, members, including 1 or more of each of the following:

''(A) State foresters.

''(B) Representatives from the Environmental Protection Agency.

''(C) Representatives from the Department of the Interior.

''(D) Academic experts in forest health, management, and economics.

''(E) Forest industry representatives throughout the supply chain, including representatives of large forest landowners and small forest landowners.

''(F) Representatives from environmental groups.

''(G) Representatives from regional greenhouse gas trading organizations.

''(H) Experts in carbon accounting and carbon offset markets.

''(3) DUTIES.—

''(A) REVIEW.—The Panel shall conduct a review of the past progress, current priorities, and future needs of the forest inventory and analysis program with respect to forest carbon, climate change, forest health, and sustainable wood products.

''(B) REPORT.—Not later than March 31, 2022, the Panel shall submit to the Secretary, the Secretary of the Interior, and Congress a report describing the review conducted under subparagraph (A).

''(4) ADMINISTRATIVE MATTERS.—

''(A) CHAIRPERSON AND VICE CHAIRPERSON.—The Panel shall select a Chairperson and Vice Chairperson from among the nongovernmental members of the Panel.

''(B) COMMITTEES.—The Panel may establish 1 or more committees within the Panel as the Panel determines to be appropriate.

''(C) COMPENSATION.—A member of the Panel shall serve without compensation.

''(D) ADMINISTRATIVE SUPPORT.—The Secretary shall provide such administrative support as is necessary for the Panel to carry out its duties.

''(E) FEDERAL ADVISORY COMMITTEE ACT.—The Panel shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).''.

SA 2225. Mr. BRAUN submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASSIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In division I, strike section 90006 and insert the following:

SEC. 90006. REQUIREMENTS FOR PRESCRIPTION DRUG BENEFITS.

(a) REMOVAL OF SAFE HARBOR PROTECTION FOR REBATES INVOLVING PRESCRIPTION DRUGS AND ESTABLISHMENT OF NEW SAFE HARBOR PROTECTIONS INVOLVING PRESCRIPTION DRUGS.—

(1) REMOVAL OF SAFE HARBOR PROTECTION FOR REBATES INVOLVING PRESCRIPTION DRUGS.—Section 1128B(b) of the Social Security Act (42 U.S.C. 1320a–7b(b)) is amended—

(A) in paragraph (3)(A), by striking ''a discount'' and inserting ''subject to paragraph (5), a discount''; and

(B) by adding at the end the following:

''(5) REMOVAL OF SAFE HARBOR PROTECTION FOR REBATES INVOLVING PRESCRIPTION DRUGS.—The safe harbor described in paragraph (3)(A) shall not apply to a reduction in price or other remuneration from a manufacturer of prescription drugs to a sponsor of a prescription drug plan under part D of title XVIII, an MA organization offering an MA–PD plan under part C of such title, or a pharmacy benefit manager under contract with such a sponsor or such an organization and, except as provided in subparagraphs (L) and (M) of paragraph (3), paragraphs (1) and (2) shall apply to any such reduction in price or other remuneration.''.

(2) ESTABLISHMENT OF NEW SAFE HARBOR PROTECTIONS INVOLVING PRESCRIPTION DRUGS .—Section 1128B(b)(3) of the Social Security Act (42 U.S.C. 1320a–7b(b)(3)) is amended—

(A) in subparagraph (J), by striking ''and'' at the end;

(B) in subparagraph (K), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(L) a reduction in price offered by a manufacturer of prescription drugs to a sponsor of a prescription drug plan under part D of title XVIII, an MA organization offering an MA–PD plan under part C of such title, or a pharmacy benefit manager under contract with such a sponsor or such an organization, that is reflected at the point of sale to the individual and meets such other conditions as the Secretary may establish; and

''(M) flat fee service fees a manufacturer of prescription drugs pays to a pharmacy benefit manager for services rendered to the manufacturer that relate to arrangements by the pharmacy benefit manager to provide pharmacy benefit management services to a health plan, if certain conditions established by the Secretary are met, including requirements that the fees are transparent to the health plan.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on January 1, 2023.

(b) REQUIREMENTS FOR PRIVATE INSURANCE PLANS.—

(1) IN GENERAL.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111 et seq.) is amended by adding at the end the following:

''SEC. 2799A–11. REQUIREMENTS WITH RESPECT TO PRESCRIPTION DRUG BENEFITS.

''(a) IN GENERAL.—A group health plan or a health insurance issuer offering group or individual health insurance coverage shall not, and shall ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, receive from a drug manufacturer a reduction in price or other remuneration with respect to any prescription drug received by an enrollee in the plan or coverage and covered by the plan or coverage, unless—

''(1) any such reduction in price is reflected at the point of sale to the enrollee and meets such other conditions as the Secretary may establish; and

''(2) any such other remuneration is a flat fee-based service fee that a manufacturer of prescription drugs pays to an entity that provides pharmacy benefits management services for services rendered to the manufacturer that relate to arrangements by the pharmacy benefit manager to provide pharmacy benefit management services to a health plan or health insurance issuer, if certain conditions established by the Secretary are met, including requirements that the fees are transparent to the health plan or health insurance issuer.

''(b) ENTITY THAT PROVIDES PHARMACY BENEFITS MANAGEMENT SERVICES.—For purposes of this section, the term 'entity that provides pharmacy benefits management services' means—

''(1) any person, business, or other entity that, pursuant to a written agreement with a group health plan or a health insurance issuer offering group or individual health insurance coverage, directly or through an intermediary—

''(A) acts as a price negotiator on behalf of the plan or coverage; or

''(B) manages the prescription drug benefits provided by the plan or coverage, which may include the processing and payment of claims for prescription drugs, the performance of drug utilization review, the processing of drug prior authorization requests, the adjudication of appeals or grievances related to the prescription drug benefit, contracting with network pharmacies, controlling the cost of covered prescription drugs, or the provision of related services; or

''(2) any entity that is owned, affiliated, or related under a common ownership structure with a person, business, or entity described in paragraph (1).''.

(2) ERISA.—

(A) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

''SEC. 726. REQUIREMENTS WITH RESPECT TO PRESCRIPTION DRUG BENEFITS.

''(a) IN GENERAL.—A group health plan or a health insurance issuer offering group health insurance coverage shall not, and shall ensure that any entity that provides pharmacy benefits management services under a contract with any such health plan or health insurance coverage does not, receive from a drug manufacturer a reduction in price or other remuneration with respect to any prescription drug received by an enrollee in the plan or coverage and covered by the plan or coverage, unless—

''(1) any such reduction in price is reflected at the point of sale to the enrollee and meets such other conditions as the Secretary may establish; and

''(2) any such other remuneration is a flat fee-based service fee that a manufacturer of prescription drugs pays to an entity that provides pharmacy benefits management services for services rendered to the manufacturer that relate to arrangements by the pharmacy benefit manager to provide pharmacy benefit management services to a health plan or health insurance issuer, if certain conditions established by the Secretary are met, including requirements that the fees are transparent to the health plan or health insurance issuer.

''(b) ENTITY THAT PROVIDES PHARMACY BENEFITS MANAGEMENT SERVICES.—For purposes of this section, the term 'entity that provides pharmacy benefits management services' means—